

STATE V. MARTINEZ

This decision of the New Mexico Court of Appeals was not selected for publication in the New Mexico Appellate Reports. Refer to Rule 12-405 NMRA for restrictions on the citation of unpublished decisions. Electronic decisions may contain computer-generated errors or other deviations from the official version filed by the Court of Appeals.

**STATE OF NEW MEXICO,
Plaintiff-Appellee,
v.
FELICIA MARTINEZ,
Defendant-Appellant.**

Docket No. A-1-CA-37622
COURT OF APPEALS OF NEW MEXICO
April 15, 2019

APPEAL FROM THE DISTRICT COURT OF BERNALILLO COUNTY, Stan Whitaker,
District Judge

COUNSEL

Hector H. Balderas, Attorney General, Santa Fe, NM for Appellee

Bennett J. Baur, Chief Public Defender, Santa Fe, NM, Steven J. Forsberg, Assistant Public Defender, Albuquerque, NM for Appellant.

JUDGES

LINDA M. VANZI, Judge. WE CONCUR: JACQUELINE R. MEDINA, Judge, BRIANA H. ZAMORA, Judge

AUTHOR: LINDA M. VANZI

MEMORANDUM OPINION

VANZI, Judge.

{1} Defendant challenges the sufficiency of the evidence to support her conviction of driving while intoxicated. [DS 9] For support, Defendant directs our attention to her own testimony that “she was not driving, and only circumstantial evidence indicated otherwise.” [MIO 1] This Court proposed to affirm Defendant’s conviction, since it is for the fact-finder to resolve conflicting testimony, and it is not the role of a reviewing court

to reweigh the evidence for purposes of making credibility determinations. See *State v. Salas*, 1999-NMCA-099, ¶ 13, 127 N.M. 686, 986 P.2d 482.

{2} In her memorandum in opposition to that summary disposition, Defendant continues to assert error in the trial court's finding that her testimony was implausible. [MIO 1] Having duly considered Defendant's memorandum, we are unpersuaded. See *State v. Mondragon*, 1988-NMCA-027, ¶ 10, 107 N.M. 421, 759 P.2d 1003 (explaining that a party responding to a proposed disposition must "specifically point out errors of law and fact[,] and that the repetition of earlier arguments does not fulfill this requirement), *superseded by statute on other grounds as stated in State v. Harris*, 2013-NMCA-031, ¶ 3, 297 P.3d 374.

{3} Thus, for the foregoing reasons, as well as those stated in our notice of proposed summary disposition, we affirm the judgment and sentence entered below.

{4} **IT IS SO ORDERED.**

LINDA M. VANZI, Judge

WE CONCUR:

JACQUELINE R. MEDINA, Judge

BRIANA H. ZAMORA, Judge